

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION.

THIS DOCUMENT RELATES TO ALL
ACTIONS.

MDL No. 1456

Civil Action No. 01-CV-12257-PBS

Judge Patti B. Saris
Magistrate Judge Marianne B. Bowler

**PLAINTIFFS' OPPOSITION TO DEFENDANT ASTRAZENECA
PHARMACEUTICALS LP'S MOTION FOR LEAVE TO FILE A REPLY TO
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE
EVIDENCE RELATING TO GUILTY PLEAS AND SAMPLING ACTIVITY**

AstraZeneca is not permitted a reply brief under this Court's rules without leave of court. Nevertheless, it seeks leave to file such a reply on the grounds that its reply brief will be "helpful" to the Court.

AstraZeneca's reply brief does not provide any such assistance to the Court. Notably, AZ does not claim, because it cannot, that Plaintiffs' Opposition raised any new factual issues or legal arguments. And because that is the case, AZ's proposed reply raises no new issues either. It just denies Plaintiffs' statements and selectively excerpts deposition testimony to tell its side of the story – a story already told in its opening motion.

AstraZeneca's motion is a motion in limine asking this Court to exclude evidence. To decide that motion this Court need not and should not decide which party's version of the truth it believes; that is what a trial is for. AZ's reply is a last-minute plea to get this Court to believe its version of the story. Its attempt to further "educate" this Court should be denied.

DATED: October 18, 2006

By: /s/ Jennifer Fountain Connolly

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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Jennifer Fountain Connolly, hereby certify that I am one of plaintiffs' attorneys and that, on October 18, 2006, I caused copies of *Plaintiffs' Opposition To Defendant AstraZeneca Pharmaceuticals LP's Motion For Leave To File A Reply To Plaintiffs' Opposition To Defendant's Motion In Limine To Exclude Evidence Relating To Guilty Pleas And Sampling Activity* to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Jennifer Fountain Connolly

Jennifer Fountain Connolly